

CITY OF WEST LAFAYETTE  
COMMON COUNCIL  
MINUTES  
SEPTEMBER 2, 2014

The Common Council of the City of West Lafayette, Indiana, met in the Multi-Purpose Room at the Morton Community Center on September 2, 2014, at the hour of 6:30 p.m.

Mayor Dennis called the meeting to order and presided.

The Pledge of Allegiance was repeated.

Present: Bunder, Burch, DeBoer, Dietrich, Hunt, Keen, and Thomas.

Also present were City Attorney Burns, Clerk-Treasurer Rhodes, Parks Assistant Superintendent Ainsworth, Public Works Director Buck, Facilities Director Clark, Police Chief Dombkowski, Human Resources Director Foster, Fire Chief Heath, WWTU Director Henderson, Street Commissioner Payne, and Director of Development Poole.

MINUTES

Councilor Keen moved for acceptance of the minutes of the July 31, 2014, Pre-Council Meeting, and the August 4, 2014, Common Council Meeting. Councilor Burch seconded the motion, and the motion passed by voice vote.

COMMITTEE STANDING REPORTS

STREET, SANITATION, AND WASTEWATER TREATMENT UTILITY

Councilor Bunder presented this report, which will be on file in the Clerk-Treasurer's Office.

In response to an inquiry from Councilor Thomas about the amount of rainfall in August, WWTU Director Henderson commented on the combined sewer overflow (CSO) events and alert system.

PUBLIC SAFETY AND ORDINANCE

Councilor Keen presented this report, which will be on file in the Clerk-Treasurer's Office.

PURDUE RELATIONS

Councilor DeBoer reported on events at Purdue University.

PARKS AND RECREATION

Councilor Hunt presented this report, which will be on file in the Clerk-Treasurer's Office.

ECONOMIC DEVELOPMENT

Councilor Thomas presented this report, which will be on file in the Clerk-Treasurer's Office.

PERSONNEL

Councilor Burch presented this report, which will be on file in the Clerk-Treasurer's Office.

BUDGET AND FINANCE

Councilor Dietrich presented this report, which will be on file in the Clerk-Treasurer's Office.

REPORT OF APC REPRESENTATIVE

There was no report.

SPECIAL REPORTS:

Expression of Opposition to Americus Quarry

Councilor Keen reported that the Council did a poll last month and all agreed that they would like to support opposition to the proposed quarry in Americus. He read aloud a letter written to the Area Board of Zoning Appeals of Tippecanoe County:

Dear Members of the Area Board of Zoning Appeals of Tippecanoe County:

As concerned citizens of Tippecanoe County and in our capacities as members of the Common Council of the City of West Lafayette, we respectfully request your denial of any special exception or variance request that comes before you by the Rogers Group, Inc., related to a proposed mining operation along the Wabash River, at 8032 Old State Road 25 North. The City of West Lafayette has an interest in this matter, considering its location along the Wabash River downstream from the proposed project. We recognize a potential for the project to directly impact our City.

We are concerned that the industrial mine could deplete local wells and the aquifer, pump dark water into the Wabash River, and erode soil. We also are cognizant that the mining operation may negatively affect local fauna, including American bald eagles that returned to the Wabash River corridor in recent years. Furthermore, we fear that the proposed project may reduce property values, considering the heavy truck traffic and noise pollution.

We appreciate your consideration of our concerns in this matter. Please vote against any request related to this project.

Mayor Dennis and all of the Council members signed the letter.

Mayor Dennis thanked the members of the Americus Area Community Coalition for their hard work and presentations given to the Council. He stated that this continues to prove that everything is local and if you activate and mobilize, good things happen.

PUBLIC RELATIONS:

Beautification Award

Councilor Dietrich presented the Beautification Award to Jim and Marihelen Johnson at 1900 King Eider Court. He described the garden and congratulated them.

Mr. Johnson stated that they do the garden because they like the butterflies and hummingbirds and he expressed his appreciation for the acknowledgement that the garden appeals to people too.

FINANCIAL REPORT

Clerk-Treasurer Rhodes noted that in addition to the public hearing on the budget this evening, there will be another public meeting on the budget at the County Council. It is September 29 at 6:30 p.m. when they do the non-binding review of the budgets of all of the local jurisdictions.

LEGAL REPORT

City Attorney Burns stated that this report is on file.

Councilor Bunder asked about the investigation of the Lutz Street fire.

Director of Development Pool reported that it is still being negotiated between the attorneys. He stated that there are a couple of items that are still being hammered out, so it is ongoing, and he hopes that there will be a resolution soon.

Councilor Bunder asked what happened to the executive meeting that we were going to have, explaining that at the last Council meeting it was suggested that the Council might meet with the attorney, Kent Frandsen.

City Attorney Burns reminded the Council that he has a conflict of interest on this case, so he does not have details, but he did call Mr. Frandsen and made that suggestion. Mr. Frandsen said that is happy to do so, but it sounds as though it is close to a resolution. Mr. Burns stated that he turned it over to Director Poole at that point.

Councilor Bunder stated that he is losing patience with this issue and he is looking forward to a resolution. He stated that he sometimes feels that he is the only one at these tables who remembers that a young man died, and tangled with that death is the way in which we draw up our ordinances, enforce our ordinances, and deal with rental corporations. He stated that he hopes we are able to come to a resolution quickly and that the resolution will be a matter of public record.

City Attorney Burns stated that it absolutely will. It is an important issue and it is being given the time and attention that it does deserve.

Police Chief Dombkowski stated that there are others that do care, and he checks on this weekly. He stated that the gears of justice and the legal process often take much longer than he would like. He and the code enforcement team would love nothing more than to put this matter to rest and give the family some closure as well as the City some closure. He stated that he appreciates Director Poole being very diplomatic. He explained that oftentimes when things are in the table in a legal matter, tongues are tied and hands are bound. He expects to have a complete resolution for this matter in the next 30 days. He assured the Council that it is on the forefront and we do care. He stated that he and Fire Chief Heath speak about this issue often, and explained that the campaign that the Fire Department kicked off is a direct result of us paying attention to the fact that we do not want to see this again in our City. We do not want to have another student death when it comes to fire, fire codes, over-occupancy, and some of these very important issues for our students. He assured Councilor Bunder that they are on that matter and he takes it to heart. He stated that public safety is the forefront of why people come to this community and feel safe here.

#### UNFINISHED BUSINESS:

Ordinance No. 17-14 An Ordinance Changing The Classification Of The City Of West Lafayette From Third Class To A Second Class City (Sponsored by Mayor John R. Dennis)

Mayor Dennis read Ordinance No. 17-14 by title only.

Councilor Keen moved for passage of Ordinance No. 17-14 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Dietrich.

Councilor Dietrich stated that at a previous meeting he provided a rough draft of a possible redistricting effort. Since that time there was a change to the Council. He stated that there was

no intent to try to gerrymander a future Councilor out of his district, nor was there any effort to move anyone out of their districts. He stated that there is nothing magic about the map other than the numbers in each district are extremely close. He would like to have the Area Plan Commission (APC) look at that map and the numbers

Mayor Dennis stated that in regards to this specific ordinance, we are empowered as a legislative body to go ahead and take a vote on Ordinance No. 17-14. He explained that it would mean the ordinance could pass but then the Council would still be charged with making sure there was a secondary reading validating the new districts for the Second Class City. He recommended that there be a work session for the Council members about the districts.

Councilor Hunt stated that she would like to have a discussion about the Second Class and then take two months to work on the redistricting so the Council can discuss it, have input, and think about it, and then get back to it the later month. She noted that there is some urgency because next year is an election year and people need to file to be a candidate in February.

City Attorney Burns stated that the actual due date for everything is November 2, but he would prefer to be done by the end of October. He explained that there are steps to be taken by the County Clerk and then the State to make sure it is ballot-worthy for the May Primary. He stated that there could be a special meeting and there could be posted work sessions. He explained that there are two options. The first is to go ahead and take action and vote on the Second Class ordinance this evening, but it would not take effect until the districts are decided. The second option is to continue the ordinance to next month's meeting and have a work session in the meantime to come together with a district map and vote on it all at once.

Councilor Dietrich stated that he is in favor of proceeding, noting that if becoming a Second Class City is not the Council's wish then there is no sense in addressing the maps.

Mayor Dennis stated that he thinks the work session would be of value.

Zachary Baiel (124 Connolly Street) stated that he is excited about the possibility of a work session and he hopes that the street-by-street data will be available on the City's website before that session. He expressed his wish to have citizens engaged in the redistricting process. He noted that there are other cities that chose not to move to a Second Class City and he questioned if it is necessary to go forward with this.

Councilor Dietrich stated that there was an article in the *Journal & Courier* stating that as a Second Class City, every citizen will have three representations—two at-large and one district Councilor. He stated that it is a huge selling point to get everyone as much representation at the table as we can. He does not know why other cities have chosen not to do so. He stated that some of those other cities have not been leaders in some of the issues that West Lafayette has dealt with so the decision should be made based on what is good for West Lafayette. He believes that right now this is what is good for West Lafayette and its citizens.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

COMMON COUNCIL MEETING MINUTES, September 2, 2014, CONTINUED

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch		✓		
DeBoer	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 6 AYES and 1 NAYS.

Mayor Dennis announced that Ordinance No. 17-14 passed on second and final reading.

Ordinance No. 25-14 An Ordinance Setting The 2015 City Budget And Setting The 2015 Tax Levy On Property And Tax Rate (Prepared by the Clerk-Treasurer) PUBLIC HEARING ONLY

Mayor Dennis read Ordinance No. 25-14 by title only.

Councilor Keen moved to open a public hearing on Ordinance No. 25-14. The motion was seconded by Councilor Burch, and the motion was passed by voice vote.

Mayor Dennis said, "We are in public hearing. This is an opportunity to comment on the 2015 spending plan, also known as the budget. No way. Come on, go ahead. See, I gave you that time limit, so you're going to push it each time."

Mr. Baiel said, "Well, that's what Class 2 cities do. They allow the citizenry to engage on every issue. That's what our friends over the river do, Mayor, so I'm going to hold you to that standard now that we're moving towards that."

Mayor Dennis said, "I've always been good about that."

Mr. Baiel said, "You have, you have, Mayor, thank you. Just curious with that, I appreciate the data being uploaded and available on the website, so as someone who likes to go through those I think that is an encouraging thing to see. The bigger question, since I wasn't able to compare it very easily, what are the big changes between the initial data that was published and the data now? Any substantial budgetary items, like thousands of dollars that moved around?"

Clerk-Treasurer Rhodes said, "The budget, which the Council will adopt, is adopted by major category, and we have made no changes by category. There have been a few minor adjustments in line items, but categories remain as presented."

Mayor Dennis said, "There you go, Zach."

Mr. Baiel said, "I appreciate it, thank you so much."

Mayor Dennis said, "Other comment?"

There were no further comments.

Councilor Keen moved to close the public hearing on Ordinance No. 25-14. The motion was seconded by Councilor Burch, and the motion was passed by voice vote.

There was no further discussion.

**NEW BUSINESS:**

**Ordinance No. 26-14** An Ordinance Concerning The Current Refunding By The City Of West Lafayette, Indiana, Of Its Sewage Works Revenue Bonds Of 2004, Series A; Authorizing The Issuance Of Sewage Works Refunding Revenue Bonds For Such Purpose; Providing For The Collection, Segregation And Distribution Of The Revenues Of The Sewage Works And The Safeguarding Of The Interests Of The Owners Of Said Sewage Works Refunding Revenue Bonds; Other Matters Connected Therewith; And Repealing Ordinances Inconsistent Herewith (Sponsored by Mayor John Dennis)

Mayor Dennis read Ordinance No. 26-14 by title only.

Councilor Keen moved for passage of Ordinance No. 26-14 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

WWTU Director Henderson stated that we have refunded other State Revolving Fund (SRF) Loan Program bonds and he would like the 2004, Series A bonds to be considered. He introduced Jim Treat (O.W. Krohn & Associates), the Utility's financial advisor, and Dennis Otten (Bose McKinney & Evans LLP), bond counsel.

Mr. Treat stated that we are proposing to refund the 2004 SRF bonds which were for the Western Interceptor. Those bonds carried an interest rate of 3.64%. With this refunding the hope is to get that under 3%. By doing that, the bond will keep the same number of years of payments and hopefully save in excess of \$400,000 in debt payments. After all costs, net present value savings will be over \$350,000 of savings to the Utility. He explained that the by starting the process now we will be in a position to do the refunding when the bonds are callable at the first of the year. In response to a question from Councilor Keen about the timeline, Mr. Treat explained that after the second reading next month then they will price the bonds with the underwriter. They will probably work on placing the bonds in mid-October and closing would in early-November. There is a 60-day notice period to give to SRF so the funds must be on-hand in early November to be able to do the take-out on January 2. In response to a question from Councilor Dietrich, Mr. Treat said the rate would probably be locked-in in mid-October.

Mayor Dennis thanked the bond counsel and Mr. Treat for proactively keeping an eye on these opportunities to save money for our taxpayers.

Mr. Treat confirmed for Councilor Dietrich that it is appropriate to say that we are refinancing this debt.

Mr. Otten stated that it is just like refinancing a mortgage on a house. It is not changing dates; it is just lowering the payment. He noted that this ordinance is very similar to one presented last year.

Clerk-Treasurer Rhodes asked that it be explained to the Council what a private placement entails compared to the SRF and the interest of the financial firms in our bond issue.

Landon Boehm (Piper Jaffray & Co.), representing the underwriter, stated that the two approaches are a traditional public offering, whereby bonds are sold on a serial basis to many investors, versus a private placement where a single bank takes the entire amount at a fixed single rate. The term of the financing is such that we can privately place this, whereas if you



were issuing 20-year debt it would be very difficult to do so. In today's market, with banks flush with cash, we have found it advantageous to seek lower interest rates and lower cost structure through a private placement versus getting a bond rating. The rate can be locked more in advance than if it were a public offering.

Councilor Dietrich asked if the City has any additional exposure in going to a private placement. He asked who the buyers are likely to be.

Mr. Boehm responded that the buyer base is nationwide. Banks come in and out of the market as quotas are filled. The exposure of a private placement is more similar to the current arrangement with SRF. It is a private debt that does not entail the ongoing reporting requirements as in an open-market transaction.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 26-14 passed on first and only reading.

Ordinance No. 27-14 To Rezone Certain Real Estate Within The City Of West Lafayette, Indiana And Designating The Time When The Same Shall Take Effect (Solbuen, LLC) (I3 to R1B) (Submitted by the Area Plan Commission)

Mayor Dennis read Ordinance No. 27-14 by title only.

Councilor Keen moved for passage of Ordinance No. 27-14 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Dan Teder (Reiling Teder & Schrier, LLC), representing the petitioner, stated that this rezone is for an approximately 30-acre site on the east side of Morehouse Road. He noted that it received a favorable staff report and unanimous yes vote from the APC. He provided the Council with a handout and noted that it shows that the zoning of the area surrounding this property is residential. This property is being purchased from Purdue Research Foundation (PRF). He went over details in the handout, including home and property sizes and designs. He stated that the developer has had a lot of interest in the project and believes that the first of two phases will be sold out shortly. Mr. Teder confirmed for Councilor Keen that there are plans to eventually have a trail off of Morehouse Road, and stated that there would be a 20 foot buffer yard to the east between the property and the Purdue Research Park. In response to a question from Councilor Dietrich, Mr. Teder stated that there would be a sidewalk put on Morehouse Road.

Mr. Baiel expressed his disappointment about the development of more subdivisions, though there is some demand, as it increases the City's sprawl footprint. He stated that there are over 300 homes available for purchase in the City, and asked the Council to be mindful of that and encouraged those involved to ensure responsible growth of our City.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 27-14 passed on first and only reading.

Resolution No. 16-14 A Resolution Of The Common Council Of The City Of West Lafayette, Indiana, Approving The Exchange And Subsequent Sale Of Real Estate By The Redevelopment Commission In The Kalberer/Cumberland/Blackbird (KCB) Area (Sponsored by Mayor John Dennis)

Mayor Dennis read Resolution No. 16-14 by title only.

Councilor Keen moved for passage of Resolution No. 16-14 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Tom Brooks (Mayfield and Brooks, LLC), attorney for the RDC, stated that there are changes in the law in regards to items handled by the RDC. One law that changed on July 1 is that the RDC must now seek prior approval from the Council before the exchange or sale of property. Mr. Brooks explained that the RDC bought a piece of property from the PRF and transferred it to ARIL [formerly ARPL] for a factory that fell through. The property was deeded back to the RDC. He explained that in order to develop that property, it must have a retention pond. PRF has another 5 acre tract across the street from Challenger Road that does not need a retention pond and would be easier to develop. He stated that PRF asked that the property be exchanged for development. Mr. Brooks explained that this resolution gives the RDC the authority to exchange the property and then find a buyer for the property.

Councilor Burch asked if the City or the RDC would look for someone to purchase the property.

Mr. Brooks responded that the RDC would put out a request for proposals.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:



COMMON COUNCIL MEETING MINUTES, September 2, 2014, CONTINUED

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that Resolution No. 16-14 passed on first and only reading.

Resolution No. 17-14 A Resolution Appropriating Insurance Recovery Received For Damage To City Property (MVH and Police) (Submitted by the Clerk-Treasurer)

Mayor Dennis read Resolution No. 17-14 by title only.

Councilor Keen moved for passage of Resolution No. 17-14 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Clerk-Treasurer Rhodes stated that the appropriation for the Police Department is for vehicle repair. The appropriation for the Motor Vehicle Highway fund is for repair of guardrail along Lindberg Road that was damaged by a private waste hauler's vehicle.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that Resolution No. 17-14 passed on first and only reading.

Resolution No. 18-14 A Resolution Requesting The Transfer Of Funds (IT and Development) (Prepared by the Clerk-Treasurer)

Mayor Dennis read Resolution No. 18-14 by title only.

Councilor Keen moved for passage of Resolution No. 18-14 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

COMMON COUNCIL MEETING MINUTES, September 2, 2014, CONTINUED

Clerk-Treasurer Rhodes explained that this transfer allows budget to be moved into the appropriate line items for payment of bills.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that Resolution No. 18-14 passed on first and only reading.

CITIZEN COMMENTS

► Thomas Kesler (479 Maple Street) complimented the City on the construction work on Salisbury and Navajo Streets. He complimented the Fire Department on their new safety outreach program. He stated that he continues to support blocking the quarry and he is glad to see that West Lafayette has joined in the opposition of it. He stated that he is glad to see that the Hoosier State [rail service] is still in play and believes that it has economic value.

► Jan Myers (1909 Indian Trail Drive) stated that the City should find ways to grow our own trees that would eventually become part of the State Street Master Plan and use growing acorns for fun and education.

► A group spoke to the Council about concerns involving a tenant-landlord dispute due to the condition of a rental unit. The group included Hannah Thomas, Anaisa Aviles, Sara Noë, Kim Noë, and Andrew Gloeckener. Concerns raised about the property (410 N. Salisbury Street) included that some windows would not open while others would not lock, rodent droppings, no batteries in the smoke detectors, exposed wiring, and overall filth. Ms. Thomas stated that they contacted several resources, including the City and the Health Department, and filed complaints. Ms. Thomas explained that she wanted to bring this to light for the health and safety for students all across the board, especially in light of the incident where a young person was killed in a fire. She stated that she would like to see landlords held responsible to abide to the leases and to State law.

Mayor Dennis stated that he has asked Fire Chief Heath to come up with ways for us to get into these apartments to have cursory inspection opportunities.

Chief Heath explained a new program implemented by the Fire Department ["Keep Me In and I'll Get You Out"]. He stated that the Department entered 70 structures last week with permission of the residents. In those 70 structures, they replaced 40 batteries and 20 smoke detectors. They have identified 432 units they would like to enter in the near future.

Mayor Dennis stated that along with the visual inspection, the firefighters are providing guidance and fire safety education to the students.

Chief Health confirmed this and stated that this program is not only for students, it is for all residents of the community.

Councilor DeBoer thanked Ms. Thomas and the rest of the group for speaking and putting a face to a condition that many students face when they move into their apartments. He has heard people ask why students do not look at the apartment before moving in, and his response is that the lease likely had to be signed nine or more months ago.

Ms. Thomas stated that this is correct. They looked at the house last fall while there was a group living in the house. She stated that they signed the lease quite early, as most students do, and part of the group did not see it beforehand since they live out of state.

Councilor DeBoer stated that since the group has gone to the press, other people have emailed him to complain about the same rental company and the conditions. He stated that it is not an isolated incident and we need to do a better job of ensuring that those rental properties are up to code.

Sally Mohler (4033 Willowood Drive, Lafayette) stated that when she saw the news coverage it looked like there was mold on the walls. She stated that given that the City employees have benefited from getting out of a mold-infested building, she believes that the students should have the same kinds of rights.

Kim Noë stated that the Health Department has told them that unless somebody gets sick they do not do anything about mold found in a home.

Ms. Hunt noted that the City does not have a Health Department, it is a County Department.

► Julia Farrell (345 Meridian Street) and Donna Jones (432 Lagrange Street) also spoke about concerns regarding living conditions that some of the rental housing property owners provide for the Purdue students. Ms. Farrell spoke about the experience of her daughter and two friends in renting a house on Dodge Street that smells of mold and mildew. She stated that when she went to see the house, the basement was filled with water. Ms. Farrell explained that she contacted the City and has filled out 28 pages of complaints, including windows that are painted shut and there is sewer gas in the building. She has hired a third-party mold specialist for documentation. She feels that the landlords do not care about the students or their health; they only care about the money. Ms. Farrell stated that the timing of this is strange with City Hall infested with mold and the employees unable to stay there. She stated that she was sent a four-page summary of the BOCA Code, and noted that it says it is from 1978, and asked if the City is following 1978 codes for rental properties. She asked why the landlords are not being held accountable.

Ms. Jones stated that in response to comments from those who wonder why the kids do not go into the houses before, she would say that it is not their responsibility. It is the landlord's responsibility to make sure the properties are livable.

Councilor DeBoer asked Director of Development Poole to speak about how the inspections work and why the leases are not terminated when an inspection is failed. He stated that if it is the City ordinances not doing the job, then it is a concern that the Council can address.

Ms. Jones noted that the checklist from the Department of Development does not include mold or windows painted shut.

Ms. Farrell asked that the Council consider addressing the codes for these property owners.

Councilor DeBoer asked Director Poole how this works and if mold is something that is looked for when a unit is evaluated for code.

Director Poole stated that we do. He explained that when a single family home is converted into a rental property, it is a one-year certificate after a full inspection. Life and safety issues are noted. After that year, there is a re-inspection. If there are no violations, the property is eligible for a two-year certificate. Mold, if it is identified and seen, is noted. However, they are not certified or trained to do mold remediation, identification, or testing; that is referred to the County Health Department.

Councilor DeBoer asked if mold alone is enough for a property to fail inspection.

Director Poole responded that if it is certified as mold it can be enough.

Mayor Dennis asked how many rental properties there are in the City.

Director Poole responded that there are over 9,200 units.

Mayor Dennis asked what the schedule is for inspection and the staff.

Director Poole responded that there is one full-time inspector and two part-time inspectors. There is a staff of four people in the rental inspection program.

Mayor Dennis asked how we compare to other universities.

Director Poole stated that our rental inspection program is held up as one of the finer ones in the State. He explained that we just went through a big battle after four years of fighting at the State House to keep the program as there is a large push by the landlord community to kill all rental inspection programs in the State. West Lafayette and Bloomington were able to come together and fight at the State House and keep our programs.

Mayor Dennis stated that the landlord association is a fairly powerful lobbying agent within the State. He stated that Director Poole is referring to that association trying to take the government's ability to enforce existing codes and standards out of our hands and put it back in the hands of the landlord. It would mean our program would be out and it would be a self-policing program. He asked how often we get into these houses and how we respond to complaints.

Director Poole explained the complaint process and stated that they are trying to accelerate the time by working with the Fire Department and the Neighborhood Resource Team (NRT) to deal with the issues.

Mayor Dennis asked that if the Council chooses to tighten up the existing codes and standards that we use, is it a legislative issue that we handle here or if there is some governing authority that would limit our authority to schedule inspections, to mandate what we require, and then take away the rental certificate of those who do not comply immediately.

Director Poole stated that in order to change the rental inspection program in the City, it would be up to the City Council and a working team that he would recommend, that would include the Fire Department, Police Department, Councilors, and there might be landlords and students. It would then be presented to Council for approval. He confirmed for Mayor Dennis that there are no restrictions to how lax or restrictive we can make these.

Councilor Bunder thanked those who spoke about the rental property issues. He spoke about issues his daughter and neighboring renters had encountered. He stated that it is a constant battle to maintain the near-campus neighborhoods. There are land use plans and historic preservation, but the reality is that the rental corporations are very powerful. He stated that we know that these things happen and usually the students do not complain. He thanked TV18 for putting this issue on television. He stated that he, Councilor Hunt, and Councilor DeBoer will continue to try to find a way to make this better.

Councilor Hunt stated that she believes the entire Council is concerned about this, and Mayor Dennis stated that the City is concerned.

► Kay Miller (8143 Old State Road 25 N., Lafayette), Co-President of the Americus Area Community Coalition, thanked the Council for their support in opposing the stone quarry.

► Mr. Baiel thanked those who spoke, stating that it is the duty of the citizens to rise up, mobilize, and organize. He noted that as a former renter he has had to sign leases up to 11 months in advance, and he stated that the issue is quite infuriating. Mr. Baiel encouraged the City to make documents available on the website to maintain an open and accessible nature.

#### ADJOURNMENT

There being no further business at this time, Councilor Burch moved for adjournment, and Mayor Dennis adjourned the meeting the time being 8:30 p.m.